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Attorneys for Defendants
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16 [Additional Counsel on Signature Page]

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19

20 SPECIAL SITUATIONS FUND III QP,
L.P., SPECIAL SITUATIONS CAYMAN
21 FUND, L.P., WOLVERINE FLAGSHIP
FUND TRADING LIMITED, PINE RIVER
22 MASTER FUND Ltd. and NISSWA
ACQUISITION MASTER FUND Ltd.,

23 Plaintiffs,

24 v.

25 H. RAVI BRAR, SUSIE HERRMANN and
26 MURRAY JONES

27 Defendants.
28

Case No. 3:14-CV-04717-SC

**STIPULATION AND ~~[PROPOSED]~~ ORDER
REGARDING RESPONSE TO AMENDED
COMPLAINT**

Judge: Hon. Samuel Conti

1 WHEREAS, on October 23, 2014, Plaintiffs Special Situations Fund III QP, L.P. (“SSF
2 III”), Special Situations Cayman Fund, L.P. (“SSF Cayman” and, with SSF III, “SSF”) and
3 Wolverine Flagship Fund Trading Limited (“Wolverine”) filed a complaint in the above
4 captioned action (the “Complaint”) (Dkt. 1);

5 WHEREAS, on December 12, 2014, Defendants H. Ravi Brar, Susie Herrmann, and
6 Murray Jones (collectively, “Defendants”) filed a motion to dismiss the Complaint (Dkt. 18),
7 which the parties fully briefed;

8 WHEREAS, on March 26, 2015, the Court issued an Order granting in part and denying
9 in part Defendants’ Motion to Dismiss, and allowing SSF and Wolverine to file an amended
10 complaint (the “Order” (Dkt. 29));

11 WHEREAS, on April 6, 2015, the parties filed a stipulation and proposed order to stay the
12 case for mediation (Dkt. 30);

13 WHEREAS, on April 9, 2015, the Court granted the stipulation and issued an Order
14 staying this action for 60 days to allow the parties to pursue mediation (the “Stay Order” (Dkt.
15 31);

16 WHEREAS, on May 28, 2015, the parties conducted a mediation session and continue to
17 engage in settlement negotiations;

18 WHEREAS, the Stay Order set the deadline for SSF and Wolverine’s amended complaint,
19 if any, at 30 days after the expiration of the stay;

20 WHEREAS, the stay expired on June 8, 2015;

21 WHEREAS, on July 6, 2015, the Parties submitted a Stipulation and Proposed Order to
22 the Court in which the Parties agreed that (i) SSF and Wolverine, along with Pine River Master
23 Fund Ltd. (“Pine River”) and Nisswa Acquisition Master Fund (“Nisswa,” and along with SSF,
24 Wolverine and Pine River, “Plaintiffs”) shall file an amended complaint on July 22, 2015, (ii)
25 Defendants shall file and serve their response to Plaintiffs’ amended complaint no later than
26 September 4, 2015, (iii) if Defendants file and serve a motion to dismiss the amended complaint,
27 Plaintiffs shall file and serve their opposition no later than October 2, 2015, (iv) Defendants shall
28 file and serve their reply no later than October 16, 2015, and (v) the hearing on Defendants’

1 motion to dismiss, if any, shall be scheduled for at least 14 days after Defendants file and serve
2 their reply (Dkt. 32);

3 WHEREAS, on July 7, 2015, the Court issued an Order granting the stipulation (Dkt. 33);

4 WHEREAS, on July 22, 2015, Plaintiffs filed their First Amended Complaint (Dkt. 34);

5 WHEREAS, due to previously unforeseen conflicts for Defendants' counsel, the Parties
6 wish to amend the briefing schedule to provide an additional week for Defendants to file their
7 reply brief in support of any motion to dismiss.

8 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the Parties,
9 through their respective counsel, as follows:

10 1. Defendants shall file and serve their reply brief no later than October 23, 2015.

11 2. The hearing on Defendants' motion to dismiss, if any, shall be scheduled for at
12 least 7 days after Defendants file and serve their reply or at such other time as is convenient for
13 the Court.

14 3. All other dates shall remain as ordered by the Court in its July 7, 2015 Order.

15
16 Respectfully submitted,

17
18 IT IS SO STIPULATED.

19 Dated: July 27, 2015

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23 /s/ Adam C. Trigg

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25 Attorneys for Defendants
H. Ravi Brar, Susie Herrmann, and Murray Jones

1 Dated: July 27, 2015

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4 /s/ Steven M. Hecht

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ORDER

Pursuant to the stipulation of the parties, Defendants shall file and serve their reply brief in support of any motion to dismiss no later than October 23, 2015. The hearing on defendants' motion to dismiss, if any, shall be scheduled for at least ¹⁴~~7~~ days after Defendants file and serve their reply or at such other time as is convenient for the Court. All other dates shall remain as ordered by the Court in its July 7, 2015 Order.

IT IS SO ORDERED.

Dated: 07/28, 2015

